

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : K. Valley et al.  
Serial No. : 09/161,109  
Filed : September 25, 1998  
Title : Endovascular system for Arresting the Heart

Art Unit: 3763  
Examiner: C. Serke

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January 23, 2002

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

*BSTLr*

(Signature)

January 23, 2002

(Date of Signature)

Honorable Commissioner of Patents  
Washington, D.C. 20231

COMMUNICATION

Dear Sir:

In response to the Office Action of October 23, 2001, Applicants submit the attached terminal disclaimers to obviate the Examiner's rejection of claim 113 as being obvious in view of U.S. Patent Nos. 5,584,803, 5,571,215 and 5,458,574. Applicants request that the rejection be withdrawn.

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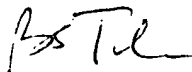
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Applicants withdraw their traversal of the requirement to elect a species. Applicants request that the Examiner contact the below-signed if a discussion would further the prosecution of this application. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By:   
\_\_\_\_\_  
Brian S. Tomko  
Reg. No. 41,349

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239  
Dated: January 23, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: Kirsten L. Valley et al.

Application No.: 09/161,109

Group No.: 3763

Filed: September 25, 1998

Examiner: C. Serke

For: Endovascular System For Arresting The Heart

☐ Patent No.\*:

Issued:

\*Note: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents  
Washington, D.C. 20231

**NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**  
**(37 C.F.R. § 1.27(G)(2))**

Note: "Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

Note: From the above portion of 37 C.F.R. § 1.27(g)(2), it is only a change in status "resulting in loss of entitlement to small entity status" that must be filed, and a change from one small entity to another small entity status requires no notification.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(A) AND 1.10\***  
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**Express Mail certification is optional.)**

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**37 C.F.R. § 1.8(a)**

☒ with sufficient postage as first class mail

**37 C.F.R. § 1.10\***

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Mailing Label No. (mandatory)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703)

Signature

Brian S. Tomko

(type or print name of person certifying)

Date: 1/23/02

\*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the assertion for small entity status, set forth

(complete a and/or b as applicable)

- a. ☐ by paying the filing fee as a small entity on \_\_\_\_\_ (Date)
- b. ☒ by the paper filed on 9/25/98 (Date), is no longer appropriate.

Note: "The notification that small entity status is no longer appropriate must be signed by a party identified in §1.33(b)." 37 C.F.R. §1.27(g)(2).

35 C.F.R. §1.33(b):

"(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to §1.27(c)(2)(ii) of this part, filed in the application must be signed by:

1. A registered attorney or agent of record appointed in compliance with §1.34(b);
2. A registered attorney or agent not of record who acts in a representative capacity under the provisions of §1.134(a);
3. An assignee as provided for under §3.71(b) of this chapter; or
4. All of the applicants (§1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with §3.71 of this chapter.

Date: 1/23/02

Brian S. Tomko  
(print or type name of person signing)

BSTK 41,349  
Signature  
Registration No: ~~4~~1,349

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- ☐ Inventor (s)  
☐ Assignee(s) of complete interest  
☐ Person authorized to sign on behalf of assignee  
☒ Practitioner of record under §34(b)  
☐ Filed under §34(a)

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